

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JOSÉ MIGUEL DE JESÚS MIRANDA

Debtor(s)

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CASE NO. 10-01096 ESL

CHAPTER 13

OPPOSITION TO DEBTOR'S MOTION FOR ESTIMATION OF CLAIM

TO THE HONORABLE COURT:

María A. Hernández Iglesias, Creditor, in the present case, through the undersigned counsel, state(s) and request(s) relief as follows:

1. The Present case has a confirmation hearing scheduled for June 8, 2011 at 2:00pm.

2. The Debtor has filed a motion to estimate the claim filed by Ms. María A. Hernández Iglesias (Hernández), debtors former spouse, under her amended Claim #9, filed on October 15, 2010.

The claim is for unpaid child support owed by the Debtor as determined by the local Court with Jurisdiction. See the attachment to amended Claim #9.

Ms. Hernández filed said claim in the amount of \$64,170.94. The claim consists of \$49,149.94 of principle upon which pre-petition interest is also claimed in the amount of \$15,021.00.

3. Creditor Hernández's proof of claim is unchallenged, no objection to it has been filed. Thus she opposes any attempt to estimate the claim. The claim is based upon a resolution, which may be under appeal, is the current state of affairs between

claimant and the Debtor. It would not be in the purview of the Court to substitute its judgment for that of the local Courts. Debtor states no valid grounds for the Court to throw out the determination of the Superior Court for his numbers, just so a plan can be confirmed.

4. The debtors request does not comply with 11 U. S. C. §502(c)(1) or (2). Subparagraph (2) is inaplicable. With respect to subparagraph (1), the claim is not contingent. The claim is not unliquidated as it has been determined what the amount owed is. The fact that an appeal is or is not pending is immaterial.

5. The appearing creditor opposes this motion and the proposed estimation for confirmation purposes of amended Claim 9.

WHEREFORE, It is requested that the Court deny Debors Motion for Estimation of Claim, d. e. #52.

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I HEREBY CERTIFY THAT on this date copy of this motion has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Chapter 13 Trustee, Mr. José Carrión Morales, Esq. newecfmail@ch13-pr.com, Ms. Monsita Lecaroz Arribas, Esq. ustpreion21.hr.ecf@usdoj.gov, Maximiliano A. Plá Méndez, Esq. map@fcrv.com and Herman F. Valentín Figueroa, Esq. ecf-cm@hvalentinassoc.com.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this April 18, 2011.

**ANTONIO FIOL MATTA
LAW OFFICES**

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